

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 513 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new
- 2       paragraph and insert:
- 3       SECTION 1. IC 8-23-2-5 IS AMENDED TO READ AS
- 4       FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** The
- 5       department, through the commissioner or the commissioner's
- 6       designee, shall:
- 7       (1) develop, continuously update, and implement:
- 8       (A) long range comprehensive transportation plans;
- 9       (B) work programs; and
- 10      (C) budgets;
- 11      to assure the orderly development and maintenance of an
- 12      efficient statewide system of transportation;
- 13      (2) implement the policies, plans, and work programs adopted
- 14      by the department;
- 15      (3) organize by creating, merging, or abolishing divisions;
- 16      (4) evaluate and utilize whenever possible improved
- 17      transportation facility maintenance and construction techniques;
- 18      (5) carry out public transportation responsibilities, including:
- 19      (A) developing and recommending public transportation
- 20      policies, plans, and work programs;
- 21      (B) providing technical assistance and guidance in the area of
- 22      public transportation to political subdivisions with public
- 23      transportation responsibilities;
- 24      (C) developing work programs for the utilization of federal
- 25      mass transportation funds;
- 26      (D) furnishing data from surveys, plans, specifications, and
- 27      estimates required to qualify a state agency or political
- 28      subdivision for federal mass transportation funds;
- 29      (E) conducting or participating in any public hearings to
- 30      qualify urbanized areas for an allocation of federal mass
- 31      transportation funding;
- 32      (F) serving, upon designation of the governor, as the state

1 agency to receive and disburse any state or federal mass  
2 transportation funds that are not directly allocated to an  
3 urbanized area;  
4 (G) entering into agreements with other states, regional  
5 agencies created in other states, and municipalities in other  
6 states for the purpose of improving public transportation  
7 service to the citizens; and  
8 (H) developing and including in its own proposed  
9 transportation plan a specialized transportation services plan  
10 for the elderly and persons with disabilities;  
11 (6) provide technical assistance to units of local government  
12 with road and street responsibilities;  
13 (7) develop, undertake, and administer the program of research  
14 and extension required under IC 8-17-7; and  
15 (8) allow public testimony in accordance with section 17 of this  
16 chapter whenever the department holds a public hearing (as  
17 defined in section 17 of this chapter).  
18 **(9) adopt rules under IC 4-22-2 to reasonably and cost**  
19 **effectively manage the right-of-way of the state highway**  
20 **system by establishing a formal procedure for highway**  
21 **improvement projects that involve the relocation of utility**  
22 **facilities by providing for an exchange of information among**  
23 **the department, public utilities, and the department's highway**  
24 **construction contractors.**  
25 **(b) Rules adopted under subsection (a)(9) shall not unreasonably**  
26 **affect the cost, safety or reliability of a public utility service.**  
27 **(c) A civil action may be prosecuted by or against the**  
28 **department, a department highway construction contractor or a**  
29 **utility to recover costs and expenses directly resulting from willful**  
30 **violation of the rules. Nothing in this section or in subsection (a)(9)**  
31 **shall be construed as granting authority to the department to adopt**  
32 **rules establishing fines, assessments or other penalties for or**  
33 **against utilities or the department's highway construction**  
34 **contractors.**  
35 SECTION 2. IC 8-23-7-2 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The department  
37 may acquire real property for any purpose necessary to carry out this  
38 article, including the following:  
39 (1) To locate, relocate, construct, reconstruct, repair, or maintain  
40 a state highway, **including area for:**  
41 **(A) the placement of a utility facility within the right-of-way**  
42 **of the state highway system; or**  
43 **(B) the relocation of a utility facility within the right-of-way of**  
44 **the state highway system due to interference with a highway**  
45 **improvement project.**  
46 (2) To widen or straighten a highway.  
47 (3) To clear and remove obstructions to vision at crossings and  
48 curves.  
49 (4) To construct weigh stations and rest areas.  
50 (5) To provide scenic easements and other areas necessary to  
51 cooperate with the federal government or carry out a federal law.  
52 (6) To facilitate long-range transportation planning."

- 1 Page 1, line 10, delete "or additional expenses".
- 2 Page 2, line 16, delete "2006." and insert "**2007.**".  
(Reference is to SB 513 as printed February 18, 2005.)

---

Senator WEATHERWAX